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**STATE OF WISCONSIN  
Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

[REDACTED]

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**PRELIMINARY RECITALS**

Pursuant to a petition filed August 06, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Division of Health Care Access and Accountability in regard to Medical Assistance, a telephone hearing was held on November 20, 2015. Three hearings previously scheduled were rescheduled at petitioner's request.

The issue for determination is whether the petitioner is entitled to medical assistance reimbursement for a root canal.

There appeared at that time the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Petitioner's Representative:

Attorney Beth Ann Richlen  
300 Third Street, Suite 210  
PO Box 6100  
Wausau, WI 54402-6100

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: [REDACTED], DDS (written appearance only)  
Division of Health Care Access and Accountability  
1 West Wilson Street, Room 272  
P.O. Box 309  
Madison, WI 53707-0309

**ADMINISTRATIVE LAW JUDGE:**

Peter McCombs  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a resident of Portage County.
2. On or about July 8, 2015, petitioner submitted a request for a root canal on tooth 2, a molar.

3. The respondent denied the petitioner's request for a root canal on July 21, 2015, stating questionable long-term prognosis due to decay history.
4. Respondent's dental consultant opined in an August 17, 2015, letter that less than 50% of the clinical crown remained intact for Tooth 2.
5. Tooth 2 has approximately 50% of the clinical crown intact and is restorable with a root canal.

### **DISCUSSION**

The petitioner appeals the denial of his prior authorization request for a root canal on tooth 2, a molar. A root canal removes infected pulpal tissue from the tooth and replaces it with a filling to prevent the loss of the tooth. Root canals are reimbursed if they meet the criteria found in the *Online Forward Health Provider's Handbook*, Topic 2881. The Division determined that the petitioner's tooth failed to meet the following approval criteria:

- Evidence of good periodontal health (AAP periodontal classification of Type I or II).
- Evidence visible on radiographs that at least 50 percent of the clinical crown is intact.

The purpose of the criteria is to ensure that the root canal is medically necessary rather than just cosmetic.

The petitioner supplied a letter from his treating dentist that indicated, in pertinent part:

...According to the American Academy of Periodontology, John has a periodontal classification of Type II. On radiographic examination, it appears #2 has right around 50% of the clinical crown intact, although it is difficult to determine exactly from the radiograph as the tooth is currently restored with a large MOD Amalgam, but clinically the tooth is very much restorable if RCT was performed.

Exhibit 4.

The respondent reviewed petitioner's provider's letter cited above, and did not change its denial determination. The respondent noted that, due to apparent failure of a root canal pertaining to adjacent Tooth #3, it would be imprudent to authorize a root canal on tooth #2. I note, however, that petitioner's dental provider is well aware of the situation with Tooth #3, and is still of the opinion that Tooth #2 is restorable with a root canal. Petitioner testified that he has maintained good oral hygiene, and his provider has concurred with that assessment in his written statement.

Based upon the petitioner's testimony and his dentist's statement that the prognosis for the root canal is good, I find that he has met his burden of proof and will approve the request.

**I note to the petitioner that her dentist will not receive a copy of this decision. In order to receive the approved root canal, she must provide a copy of this decision to her dentist, who then must submit a new prior authorization request.**

### **CONCLUSIONS OF LAW**

The requested root canal is medically necessary.

**THEREFORE, it is**

**ORDERED**

That the petitioner's provider is authorized to provide the root canal discussed in this decision. To receive reimbursement he must submit his claim, along with a copy of this decision and a **new prior authorization form** to Forward Health for payment.

**REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

**APPEAL TO COURT**

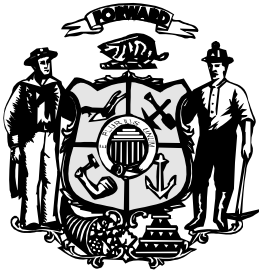
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 22nd day of December, 2015

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\sPeter McCombs  
Administrative Law Judge  
Division of Hearings and Appeals



## State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on December 22, 2015.

Division of Health Care Access and Accountability  
Attorney Beth Ann Richlen